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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DAVID A. RABANG JR.

13 Defendant.

14 CASE NO.CR01-00188C

15 PROPOSED FINDINGS OF
16 FACT AND DETERMINATION
17 AS TO ALLEGED VIOLATIONS
18 OF SUPERVISED RELEASE

19 INTRODUCTION

20 I conducted a hearing on alleged violations of supervised release in this case on May 25th 2005. The United States was represented by Susan M. Roe, defendant was represented by Barry L. Flegenheimer. The proceedings were recorded on cassette tape.

21 CONVICTION AND SENTENCE

22 Defendant had been convicted of Conspiracy to Import and Distribute fifty or More Kilograms of Marijuana on or about November 11th 2004. The Hon. John C. Coughenour of this court sentenced defendant to forty-one months of confinement, followed by three years of supervised release.

23 The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

1 ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION

2 USPO Steven R. Gregoryk alleged that defendant violated the conditions of supervised
3 release in three respect(s):

- 4 (1) Using cocaine on or before April 7th 2005, in violation of standard condition No. 7.
5 (2) Failing to follow the instructions of the probation officer on April 20, 2005, in
6 violation of standard condition No. 3.
7 (3) Failing to report to the U.S. Probation Office on April 22, 2005, as instructed by the
8 probation officer, in violation of standard condition No. 2.

9 At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At
10 today's hearing defendant admitted the violations #1, 2, and 3, waived any hearing as to whether
11 it occurred and consented to having the matter set for a disposition hearing before the Hon. John
12 C. Coughenour.

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14 RECOMMENDED FINDINGS AND CONCLUSIONS

15 Based upon the foregoing, I recommend the court find that defendant has violated the
16 conditions of his supervised release as alleged; and set the matter for a disposition hearing.

17 Defendant has been detained pending a final determination by the court.

18 DATED this 25th day of May, 2005.

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MONICA J. BENTON
United States Magistrate Judge

cc: Sentencing Judge : Hon. John C. Coughenour
Assistant U.S. Attorney : Susan M. Roe
Defense Attorney : Barry L. Flegenheimer
U. S. Probation Officer : Steven R. Gregoryk